

**REMARKS**

Claims 35-39 were rejected under §112, ¶2, as being indefinite.

Claims 1-8, 10-16, 21, 23-27, 29-31 and 36 were rejected under §102 as being anticipated by, or in the alternative, under §103 as being obvious from Cohen (U.S. Patent No. 5,156,148). Claims 17-20, 22, 35 and 37-43 were rejected as being anticipated by Cohen. Claims 9, 28, and 32-34 were rejected as being obvious from Cohen.

Claim 1 specifies a processor that determines whether an arrhythmia is atrial or ventricular as a *function* of the sensed cardiac electrical signals. Drug delivery is activated based upon a determination that the arrhythmia is atrial or ventricular. Claims 17, 23, 35 and 40 are similarly directed.

Cohen discloses a system for the treatment of cardiac arrhythmias. Cohen distinguishes "rate-only" systems that detect and identify an arrhythmia on the basis of sensing heart rate and teaches that such systems inadequately differentiate between hemodynamically stable and unstable rhythms. Cohen therefore teaches to combine a physiologic parameter indicative of the hemodynamic condition of the patient with an electrical rate signal derived from the heart (see col. 4, lines 10-15 and lines 19-26). Thus, the processor in Cohen identifies atrial and ventricular arrhythmias as a function of both a physiologic signal and a cardiac electrical signal (see col. 4, line 67 to col. 5, line 13). This is clearly depicted in Fig. 1 also.

Cohen fails to disclose and in fact teaches away from the system of claim 1 wherein the processor discriminates between atrial arrhythmia and ventricular

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arrhythmia as a function of sensed cardiac electrical signals. Thus, Cohen fails to either anticipate or render obvious the pending claims of the present application.

Applicant submits that all pending claims are in condition for allowance and requests that a notice of allowance should be issued in due course.

Respectfully submitted,

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